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CENTRAL FAX CENTER

10/758,072

DEC 22 2006

REMARKS/ARGUMENTS

This amendment is in response to the Office Action mailed on September 26, 2006, and the references cited therewith.

The Examiner is thanked for the personal interview held November 28, 2006 at which time a demonstration of www.IDODA.com was presented. Examiner Haq provided helpful suggestions as to patentable claim language for the invention.

Claims 1 – 21 are pending in this application. Claims 1 – 8 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. Claims 1 – 21 stand rejected under 35 USC 112 for claiming an infinite number of combinations. Claims 1, 2, 5, 6, 7, 9, 10, 13, 14, 15, 17, 18 and 20 stand rejected under 35 USC 103 over WO 01/93156 A1 and further in view of US patent application 2004/0019528 A1 to Broussard and US patent 5,873,080 to Coden.

In this response, claims 1, 2, 6, 9, 10, 12, 15, 17, 18, and 19 have been amended, no claims are canceled and no claims are added; as a results claims 1 – 21 remain pending in this application.

§101 Rejection of the Claims

Claims 1 – 8 were rejected for claiming a system using method steps language. Independent claim 1 has been amended to overcome this rejection along with dependent claims 2 – 8.

§112 Rejection of the Claims

Claims 1 – 21 have been rejected for claiming an infinite number of combinations. The language of the claims has been amended to correct for the indefiniteness and to also correct of other objections made by the Examiner.

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§103 Rejection of the Claims

Various claims have been rejection as unpatentable over reference WO 01/93156 to Pollack.

The applicant respectfully disagrees with these rejections.

The Patent Office bears the initial burden of factually supporting a *prima facie* case of obviousness. (See MPEP §2142.) In order for the Office Action to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (See MPEP §2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

The present invention is web based system from graphical searching over the internet to locate unique items offered by sellers and sought by buyers of designs, furnishings and accessories.

Both a buyer and a seller act proactively to use images to communicate with one another. The invention technology is a "system" that supports an online marketplace in which the images are the "language" of communication. Unlike the purchase of certain known items such as cars, which have a publicly known and recognized lexicon of names, styles, marks, models and options to guide a buyer, industries such as furniture, clothing, ceramics, etc. have no recognized language. These unique item types must rely on descriptions that appeal either to the subjective knowledge or emotional need of he buyer, which can only be approximated.

The present invention uses graphics that are drawn to "generalize" basic characteristics across a timeline of style so that multiple variations of the same design can be represented and referred to through the use of one image.

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The cited prior art WO 01/93156 to Pollack shows a system and method to provide custom jewelry design for buyers over the internet. A database contains a listing of possible styles, metals, stones and settings for the creation of custom jewelry. While offering a buyer the options being offered by the seller, it is not providing a two-way communication being the buyer of what he really prefers, but only a listing of what the seller has for options in his jewelry design. There is no ability that allows both buyer and seller to choose several images to approximate what he/she wishes or offers in the way of jewelry. In no way does Pollack teach or suggest the present system and method of aggregating buyers and sellers of unique items over the internet.

The cited prior art to Broussard (US 2004/0019528 A1) discloses a systems for aggregating buyers according to geographical area such as by zip code. While the present invention has the capability of organizing its search results according to zip code, in no way does Broussard teach or suggest the use of a graphical library for web based searching.

USP 5,873,080 to Coden discloses a search engine having query capability. The capabilities are text based. While text base searching is an additional feature of the present invention, in no way does Coden teach or suggest the use of a graphical search library as claimed in the instant application.

The present invention allows both buyer and seller to choose several images to approximate what he/she wishes to trade. The inventive technology presents the results based on the number of matched characteristics. At the core of the invention is the ability to "translate" 3-dimensional objects into images drawn to represent their basic characteristics. In doing so parties are able to communicate in an online marketplace where such images are used as recognized markers between buyers and sellers.

Claim 1 directed to a system has been amended to incorporate the use of the same graphical library by both buyer and seller in order to communicate with one another.

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Support for the system is shown in Figure 1 and description of paragraph 40 and 40.1. It is in a condition for allowance.

Method claim 9 as amended is now in condition for allowance. The claim specifies that both seller and buyer use the same image library for describing unique items for trading over the internet.

Applicant contends that the computer program product of claim 17 is allowable.

The remaining claims, depending for the allowable independent claims, they too are in condition for allowance.

CONCLUSION

Applicant respectfully submits that none of the cited art shows teaches or suggests the present invention. As re-written the claims meet statutory subject matter. Applicant is unaware of any need for a new search of the relevant art. The demonstration of a working website shows implementation of the invention to those of skill in the art.

Having addressed all of the objections/rejections made by the Examiner, the claims are in condition for allowance and a notification to that effect is earnestly solicited. The Examiner is invited to telephone Applicant's attorney at 703-367-2128 to facilitate prosecution of this application.

Respectfully Submitted,

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By: 

Mark A. Wurm

Reg. No. 31,682

Tel.: (703) 867-8334 (Cell)

6600 Ladyslipper Lane

Clifton, Virginia 20124